

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 8**

USA PARKING SYSTEMS, INC.

Employer

Case No. 8-RC-16621

and

**TEAMSTERS LOCAL UNION NO. 507 a/w
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, AFL-CIO**

Petitioner

**ORDER SETTING ASIDE ELECTION
AND DIRECTION OF SECOND ELECTION**

Pursuant to a Stipulated Election Agreement approved by me on June 27, 2004, a mail/manual ballot election was conducted from June 8, 2004 through June 21, 2004 among the employees in the following described unit:

All full-time and regular part-time employees, including attendants, cashiers, flaggers, maintenance employees, and valets employed at the Employer's parking facilities in the greater Cleveland area, Ohio, but excluding all office clerical employees, professional employees, managers, guards and supervisors as defined in the Act.

The ballots were counted on June 21, 2004. The Tally of Ballots, issued that date, shows that of approximately 55 eligible voters, 30 cast ballots, of which 8 were cast for, and 21 cast against, the Petitioner. There were no challenged ballots.

On June 24, 2004, the Petitioner filed Objections to Conduct Affecting the Results of the Election, duly serving a copy thereof on the Employer. A copy of the Petitioner's Objections is attached hereto and incorporated herein.

Pursuant to the provisions of Section 102.69 of the Board's Rules and Regulations, a preliminary investigation of the Objections was conducted.

Thereafter, the Employer and the Petitioner executed a Stipulation wherein they, inter alia, waived their rights to a Regional Director's Report or Decision, to file exceptions to the Regional Director's Report, or to file a Request for Review of such Decision, to a hearing in this matter, and to a Board Decision. The parties further agreed that an appropriate Order setting aside the election and directing that a second election be issued.

I have approved the Stipulation of the parties this date. In view of the foregoing,

IT IS HEREBY ORDERED, that the election conducted from June 8 through June 21, 2004 in this matter be, and hereby is, set aside and that a second election be conducted on a date, time, and place to be set forth in the Notice of Second Election to be issued subsequently.

DIRECTION OF SECOND ELECTION

A second election by secret ballot will be conducted under my supervision as Regional Director among the employees in the unit found appropriate at the time, date and place set forth in the Parties' Stipulation and in the Notice of Second Election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending Monday July 5, 2004, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.¹ Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **Teamsters Local Union No. 507 a/w International Brotherhood of Teamsters, AFL-CIO**.

¹ In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236; *NLRB v. Wyman-Gordon Company*, 394 US 759. Accordingly, it is hereby directed that an election eligibility list, containing the names and addresses of all eligible voters must be filed by the Employer with me as the Regional Director within seven days of this Order Setting Aside Election and Direction of Second Election. Since I shall make the list available to all other parties to the Second Election, it is requested that the Employer furnish a total of three copies. To speed preliminary checking and the voting process itself, the list should be alphabetized and contain only the names and addresses of eligible voters who were employed during the payroll period ending Monday, July 5, 2004. In order to be timely filed, such list must be received in the Regional Office, 1240 E. 9th Street, Room 1695, Cleveland, Ohio 44199, on or before July 19, 2004. No extension of time to file the list will be granted except in extraordinary circumstances. Failure to comply with this requirement shall be ground for setting aside the election whenever proper objections are filed.

Dated at Cleveland, Ohio this 12th day of July 2004.

“/s/ [Frederick J. Calatrello]

Frederick J. Calatrello
Regional Director
National Labor Relations Board
Region 8

attachment